

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

ERICA BOHANNON, and)
MARQUISE BOHANNON, as the)
Surviving Children of AGNES)
BOHANNON, Deceased, and ERICA)
BOHANNON, as the Administrator)
of the ESTATE OF AGNES)
BOHANNON,)

Plaintiffs,)

v.)

GEORGIA DEPARTMENT OF)
CORRECTIONS, BOARD OF)
REGENTS OF THE UNIVERSITY)
SYSTEM OF GEORGIA for)
GEORGIA CORRECTIONAL)
HEALTHCARE, a Division of)
AUGUSTA UNIVERSITY,)
MICHELLE WEBB, in her individual)
Capacity, SHAWN AILEEN KEEN,)
In her individual capacity, EKLAS)
MOHAMMED, in her individual)
Capacity, DR. HARRIS, in his)
Individual capacity,)

Defendants.)

CIVIL ACTION NO.
2:21-CV-233-RWS

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1441 and 1446, Defendants Georgia Department of Corrections (“GDC”), Board of Regents of the University System of Georgia

(“BOR”) for Georgia Correctional Healthcare, a Division of Augusta University, Michelle Webb, Shawn A. Keen, and Eklas Mohammed (collectively “State Defendants”), by and through their undersigned counsel, file this Notice of Removal. State Defendants file this notice subject to and without waiving any defenses available to each Defendant under state and federal law. In support, State Defendants shows the Court the following:

1.

On September 14, 2021, Plaintiffs filed a civil action in the Superior Court of Habersham County, Georgia, styled *Erica Bohannon and Marquise Bohannon, as the Surviving Children of Agnes Bohannon, Deceased, and Erica Bohannon, as the Administrator of the Estate of Agnes Bohannon v. Georgia Department of Corrections, Board of Regents of the University System of Georgia for Georgia Correctional Healthcare, a Division of Augusta University, Michelle Webb, in her individual capacity, Shawn Aileen Keen, in her individual capacity, Eklas Mohammed, in her individual capacity, Dr. Harris, in his individual capacity*, and having Civil Action No. 21CV0444 (the “Action”). Attached hereto as Exhibit A is a copy of all process, pleadings and orders served on State Defendants and filed in the Action.

2.

The Action seeks money damages, pursuant to 42 U.S.C. §1983, for alleged violations of rights under the Eighth and Fourteenth Amendments of the United States Constitution and money damages for tort claims asserted under Georgia law. Plaintiffs claim that the Defendants' alleged acts constituted deliberate indifference to a serious medical need and professional negligence under Georgia law, and Plaintiffs further raise claims for attorney's fees and punitive damages.

3.

The Action is a civil rights case and presents a federal question over which this Court has original subject matter jurisdiction, pursuant to 28 U.S.C. §1331, and questions of state law over which this Court has supplemental jurisdiction, pursuant to 28 U.S.C. §1367.

4.

The Action is one which may be removed to this Court, pursuant to the provisions of 28 U.S.C. §1441(a).

5.

This notice of removal is filed within thirty days from the date of service of the lawsuit upon Defendant GDC, as provided by 28 U.S.C. §1446(b). GDC was

served on or about October 20, 2021. All properly joined and served Defendants consent to and participate in the removal of this matter to federal court.

WHEREFORE, State Defendants move that this Notice of Removal be filed, that the Action be removed to and proceed in this Court, and that no further proceedings be had in the Action in the Superior Court of Habersham County, Georgia.

Respectfully submitted this 28th day of October, 2021.

CHRISTOPHER M. CARR 112505
Attorney General

KATHLEEN M. PACIOUS 558555
Deputy Attorney General

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Senior Asst. Attorney General

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s/ Peter F. Fisher
PETER F. FISHER 797142
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/s/ James C. Champlin IV
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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with Local Rule 5.1(B) in 14-point Times New Roman type face.

This 28th day of October, 2021.

/s/ James Champlin IV
JAMES CHAMPLIN 853410
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that I have, this day, filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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This 28th day of October, 2021.

/s/ James Champlin IV
JAMES CHAMPLIN 853410
Assistant Attorney General